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| 09/132,479 | 08/11/1998 | PATRICK YOUNG | 32939-SB-S78 | 9496 |

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| 23363 | 7590 | 06/07/2004 |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2611 | 23 |

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | Application No. | Applicant(s) |
|---|---|---|---|
| **Office Action Summary** | | 09/132,479 | YOUNG ET AL. |
| | | Examiner | Art Unit |
| | | Hai Tran | 2611 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>01 April 0318</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-81</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-51</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>51-81</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)                    Office Action Summary                    Part of Paper No./Mail Date 23

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/18/2004 has been entered.

### *Response to Arguments*

Applicant's arguments filed 03/18/2004 have been fully considered but they are not persuasive.

• Rejection of Claim 51 over Strubbe.

Claim 51, Applicant argues "...the broadcast menu of Strubbe fails to show or suggest arranging indicators for channel listing in a user determined order."

In response, the Examiner respectfully disagrees with Applicant because Applicants seem to contradict themselves regarding the 4th category menus referred to in Strubbe Fig. 4, el. K with Channel indicator (channel number 2, 4, 5, 7 , 13...). In the remark, Applicants states "the available broadcast channels appear to be in numerical order." The Examiner confuses regarding that remark because Applicants clearly self-admit that Strubbe 's Channel number in Fig. 4, el. K is indeed shows

"channel indicator" in order determined by user in which the user moves from category of menus G to menu category K, for example, as agued by Applicants.

Applicant further argues "...while applicants agree that CBS is an indicator for channel, applicants disagree that program titles as indicators for channels. Rather, program titles indicate the titles to programming on channels, not the channels themselves. Therefore, the program titles are not indicator for channels."

In response, the Examiner respectfully disagrees with applicant because none of the Applicants arguments are recited in claim 51 regarding "indicator for channels". Claim 51 recites "...the channel listing having indicators for at least some of the plurality of channels; displaying the indicators for the channel listing on a monitor screen; and arranging the indicators for the channel listing in a user determined order." The "indicators" claimed, but not "indicator for channels", is broadly interpreted as any "indicators" for the channel listing (i.e. any symbols, text, string...) but not particularly "indicator for channel" (i.e., CBS), as applicant argued. Therefore, Strubbe again meets and discloses "arranging indicators for channel listing in a user determined order", as claimed.

- Rejection of Claim 51 over Hoarty in view of Anderson

Applicant further argues "...Examiner has failed to point to any objective evidence that would lead one of ordinary skill to selectively apply sorting function ... to an interactive program guide."

In response, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, Hoarty shows the EPG (Fig. 21) in which the channel listing having indicators "channel number", "program name"...resides in cells format. Anderson teaches a method of arranging the order of the cells in a user-determined order (Sort; Col. 7, lines 55-59). Therefore, it would have been obvious to one of ordinary skill in the art to modify Hoarty with Anderson, in order to give to user a highly intuitive interface, i.e., Sort, which allows a user could organize and present information according to their needs (Col. 4, lines 12-15).

- Claim 52-56 as discussed above, the dependent claims 52-56 are maintained for at least the same reasons as why independent claim 51 is rejected.

- Claim 57 rejected over Hoarty in view of Anderson is maintained for at least the same reasons as why independent claim 51 is rejected over Hoarty in view of Anderson.

- Claim 57 rejected over Strubbe in view of Kawasaki is maintained for at least the same reasons as why independent claim 51 is rejected over Strubbe. Therefore, one ordinary skill in the art would modify Strubbe channel listing with Kawasaki 's listing guide having a plurality of cells in order to provide to user a better presentation of a channel listing and a friendly way to navigate the channel listing by using a cursor or pointer of a RC device to move from one cell to another cell.

- Rejection of claims 58-64 is maintained for at least the same reasons as why independent claim 57 is rejected as discussed above.

- Rejections of claim 65 and 80 over Strubbe, and over Hoarty in view of Anderson

    With respect to the above discussion of claim 51 rejection, Strubbe, and the combination of Hoarty and Anderson meet all limitations claimed in claim 65 and 80 (see previous Office Action). Therefore, the examiner maintains the rejection.

- Rejection of claims 66-71.

    As discussed above , the rejection of claim 65 is maintained, accordingly, the rejections of dependent claims 66-67 are also maintained.

- Rejections of Claims 72 and 81 Over Strubbe and over Hoarty in view of Anderson.

    As discussed in claim 51 above, Strubbe, and the combination of Hoarty and Anderson show "arranging indicators for a channel listing in a user determined order" as specified in claims 72 and 81.

    As to "command to the tuner to sequentially tune to a plurality of television channels in an order corresponding to the user determined channel listing order" in claim 72, this limitation is inherently met by Strubbe, and the combination of Hoarty and Anderson  because all TV tuner is inherently have a function of sequentially tune to a plurality of television channels in an order corresponding to the user determined channel listing order when a Remote control is used to surf the channel up/down while the cursor is pointed to a channel location of the channel listing.

    As to "means for sequentially displaying a plurality of television programs in an order corresponding to the user determined channel listing order" in claim 81, this

limitation is again meet by Strubbe (Fig. 4, el. K) and Hoarty in view of Anderson

(Hoarty Fig. 21 in view of Anderson's sort function) show the channel listing with a

plurality of TV program sequentially displayed/listed in an order corresponding to the

user determined channel listing order.

For at least the foregoing reasons, the Examiner maintains the rejections of

claims 72 and 81.

- Rejection of claims 73-79.

As discussed above, dependent claims 73-79 is rejected for at least the same

reasons as to why independent claim 72, from which dependent claims 73-79

depend, is rejected.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 51, 55-56, 61-68, 71-75, and 78-81 are rejected under 35 U.S.C. 102(b) as

being unpatentable by Strubbe et al. (US 5,047,867).

Regarding claim 51, Strubbe discloses a method of navigating a database of

television program listings, the method comprising the steps of (Fig. 1):

Storing in electronic memory (Fig. 2, elements 36A-C; Col.. 4, lines 23-50) a

channel listing and television program listings for a plurality of channels, the channel

listing having indicators (Channel number/Name i.e. CBS or program titles) for at

least some of the plurality of channels (see Fig. 6a).

Displaying the indicators (Channel number/Name; i.e. CBS or program titles)

for the channel listing on a monitor screen (Fig. 6a); and

Arranging the indicators (Channel number/Name; i.e. CBS or program titles)

for the channel listings in a user determined order (preferred order of program title

to match viewer interest) (Col. 4; lines 19-Col. 5, lines 23-30; Fig. 6A; Favorite

programs arranged according to program name).

Regarding claim 55, Strubbe further discloses wherein the arranging step

comprises:

Displaying each of the plurality of channels in the channel listing in sequences

and selecting a priority in the channel listing for each of the plurality of channels as it

is displayed (Based on user's favorite; Fig. 6A).

Regarding claim 56, Strubbe further discloses wherein the step of displaying

each of the plurality of channels in the channel listing comprises displaying a

channel label (CBS, ABC...) for each of the plurality of channels in the channel

listing (Fig. 6A).

Regarding claim 61, Strubbe further discloses displaying a EPG having at

least a portion of the TV program listing wherein the order of at least a portion of the

displayed TV program listing correspond to the user determined order (preferred

order of program title to match viewer interest) (Col. 5, lines 23-30; Fig. 6A; Favorite

programs arranged according to program name).

Regarding claim 62, Strubbe further discloses sequentially displaying TV

programs in response to user channel change commands (See Fig. 4, el. K; Col. 4,

lines 5-50);

Regarding claim 63, Strubbe further discloses receiving a use scan

commands (extended channel K; Fig. 4; Col. 4, lines 43-45); and

Sequentially displaying TV programs in response to the user scan

commands, wherein the TV programs are displayed sequentially in order

corresponding to the user-determined order (Col. 4, lines 43-50).

Regarding claim 64, Strubbe further discloses wherein the user determined

order is a preferred order based on viewer interest (Favorite; Col. 4, lines 31-33);

Regarding claim 65, Strubbe discloses a system for displaying an EPG (Fig.

1-2) comprising:

A memory (Fig. 2, elements 36A-C; Col.. 4, lines 23-50) for storing a channel

listing and a plurality of TV program listing, each of the plurality of TV program

listings corresponding to one or more channels;

An input coupled to the memory for receiving user commands (see Fig. 2

wherein controller 50 receives RC input); and

A processor 30 coupled to the input 50, the processor configured to display

the channel listing on a monitor screen (See Fig. 4), the channel listing including a

plurality of channels (Fig. 4; element K);

Receive a user determined channel listing order (extended command; i.e., G,

K); and display an EPG having at least some of the plurality of TV program listings

(Fig. 4), wherein the order of displayed TV program listing corresponds to at least a

portion of the user determined channel listing order. (Channel number/Name; i.e.

CBS or program titles for the TV program listing in a user determined order; i.e.,

preferred order of program title to match viewer interest; Col. 4; lines 19-Col. 5, lines

23-30; see Fig. 6A wherein Favorite programs arranged according to program

name).

Regarding claims 66-67, Strubbe further discloses wherein the processor

displays the channel listing on the monitor in a predetermined channel order and

wherein the predetermined channel order is a numerical order (Fig.4, el. K);

Regarding claim 68, wherein Strubbe further discloses wherein the processor

is further configured to receive the user determined channel listing order by allowing

the user to arrange the channels of the channel listing (user selects extended

Channel G for displaying favorite programs in order program title as shown in 6a;

Col. 4, lines 31-35);

Regarding claim 71, Strubbe further discloses wherein the processor is

configured to allow the user to arrange the channels by sequentially displaying each

of the plurality of channels (see Fig. 4, el. K) and receiving a user indication of

priority (Extended G) for each of the plurality of channels (receives extended

Channel G from user for displaying favorite programs in order program title as

shown in 6a; Col. 4, lines 31-35).

Regarding claim 72, System claim 72 is analyzed with respect to system claim 65 in which Strubbe further discloses a tuner 140 in Fig. 2 in which the tuner is inherently have a function of sequentially tune to a plurality of television channels in an order corresponding to the user determined channel listing order when a Remote control is used to surf the channel up/down while the cursor is pointed to a channel location of the channel listing.

Regarding claim 73-74, see analysis of claims 66-67.

Regarding claim 75, see analysis of claim 68.

Regarding claim 78, see analysis of claim 71.

Regarding claim 79, Strubbe further discloses wherein the sequential tuning of the tuner to the plurality of TV channels is in response to a plurality of sequential user commands (Col. 3, lines 60-65);

Regarding claims 80-81, the apparatus claims 80-81 are analyzed with respect to system claims 65 and 72.

As to "means for sequentially displaying a plurality of television programs in an order corresponding to the user determined channel listing order" in claim 81, this limitation is again meet by Strubbe (Fig. 4, el. K) that shows the channel listing with a plurality of TV program sequentially displayed/listed in an order corresponding to the user determined channel listing order.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.  Claims 51-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hoarty (US 5412720) in view of Anderson et al. (US 5416895).

Regarding claim 51, Hoarty discloses a method of navigating EPG (an

database of television program listings) Fig. 21 in which the channel listing having

indicators "Channel number", "program name" for at least some of the plurality of

channels  and displaying the indicators "Channel number", "Program name" for the

channel listing on a monitor screen (see Fig. 21).

As to "Storing in electronic memory a channel listing and television program

listings for a plurality of channels"; Hoarty does not clearly disclose it.

Official Notice is taken that storing an EPG in a memory of a STB or TV

receiver is well known in the art.  Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Hoarty by

storing an EPG in the memory so to reduce the transmission bandwidth of the

broadcaster.

Hoarty does not disclose, "Arranging the indicators (Channel number/Name;

i.e. CBS or program titles) for the channel listings in a user determined order".

Anderson teaches a method of arranging the order of the cells in a user determined order (sort; Col. 7, lines 55-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hoarty by using the well known technique of sorting, as taught by Anderson, in order to provide users a highly intuitive interface so users could organize and present information according to their needs (Col. 3, lines 35-40).


Regarding claims 52-54; 69-70 and 76-77, Hoarty does not disclose moving a cursor on the monitor screen (using the cursor) to selectively highlighting one of the plurality of channels, wherein the reordering by moving the highlighted one of the plurality of channels from a first location to a second location in the channel listing; wherein the reordering step comprises dragging the cursor and highlighted one of the plurality of channels to the second location; and wherein the reordering step comprises selecting a second location for the highlighted one of the plurality of channels and transferring the highlighted one of the plurality of channels from a first location to the second location in the channel listing.

Anderson teaches a method of drag-and-drop techniques for copying or moving data among cells within a table (Fig. 4G, 4K, and 9B-C; Col. 10, lines 64-Col. 11, lines 6; Col. 11, lines 37-60; and Col. 18, lines 55-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Hoarty by using the well known technique of drag-

and-drop, as taught by Anderson, in order to provide users a highly intuitive

interface so users don't have to master an elaborate and/or awkward

environment but instead, may rely upon his or her own common knowledge to

organize and present information according to their needs (Col. 3, lines 35-40).

Regarding claim 55, limitation "Displaying each of the plurality of channels in

the channel listing in sequences and selecting a priority in the channel listing for

each of the plurality of channels as it is displayed" is met by Hoarty in view Anderson

and analyzed with the same respect to claim 51.

Regarding claim 56, limitation "wherein the step of displaying each of the

plurality of channels in the channel listing comprises displaying a channel label

(CBS, ABC...) for each of the plurality of channels in the channel listing is met by

Hoarty (Fig. 21).


Regarding claim 57, as analyzed with respect to claim 1, Hoarty further

discloses the listing guide having a plurality of cells (see Fig. 21).

Regarding claim 58, limitation "means for arranging the plurality of channels

in the channel listing in the user-determined order" is met by Hoarty in view

Anderson and analyzed with the same respect to claim 51.

Regarding claim 59, limitation "wherein the arranging means comprises a

movable cursor displayed on the guide to selectively highlight one of the plurality of

channels, wherein the highlighted one of the plurality of channels is moved from the

first location to a second location in the channel listing" is met by Hoarty in view Anderson and analyzed with the same respect to claim 52.

Regarding claim 60, limitation "wherein the arranging means comprises means for displaying each of the plurality of channels in the channel listing over time in a default sequence and means for selecting a priority in the channel listing for each of the plurality of channels as it is displayed" is met by Hoarty in view Anderson and analyzed with respect to claim 51.

Regarding claim 61, limitation "displaying a EPG having at least a portion of the TV program listing wherein the order of at least a portion of the displayed TV program listing correspond to the user determined order" is met by Hoarty in view Anderson and analyzed with respect to claim 51.

Regarding claim 62, Hoarty further discloses, "sequentially displaying TV programs in response to user channel change commands" (Col. 12, lines 57-65);

Regarding claim 63, as to "receiving a use scan commands and sequentially displaying TV programs in response to the user scan commands, wherein the TV programs are displayed sequentially in order corresponding to the user-determined order" is met by Hoarty in view of Anderson and analyzed with respect to claim 51 in which the TV must perform a can command in order to list/display TV program as shown in Fig. 21.

Regarding claim 64, Hoarty further discloses wherein the user determined order is a preferred order based on viewer interest (Favorite Channels; see Fig. 22; Col. 12, line 60);

Regarding claim 65, as analyzed with respect to claim 51, Hoarty (Fig. 17) in view of Anderson further discloses a system for displaying an EPG (Fig. 21) comprising

An input 1735 coupled to the memory 1733 for receiving user commands (see Fig. 1 wherein Infrared receiver 1735 receives RC input); and

A processor 173 coupled to the input 1735, the processor configured to display the channel listing on a monitor screen (See Fig. 17), the channel listing including a plurality of channels (Fig. 21);.

Regarding claims 66-67, Hoarty (Fig. 17) in view of Anderson further discloses wherein the processor 173 displays the channel listing on the monitor in a predetermined channel order and wherein the predetermined channel order is a numerical order (see Fig. 21 and analysis of claim 51);

Regarding claim 68, Hoarty (Fig. 17) in view of Anderson further discloses wherein the processor 173 is further configured to receive the user-determined channel listing order by allowing the user to arrange the channels of the channel listing (see analysis of claim 51).

Regarding claim 71, Hoarty (Fig. 17) in view of Anderson further discloses wherein the processor 173 is configured to allow the user to arrange the channels by sequentially displaying each of the plurality of channels (see Fig. 21) and receiving a user indication of priority for each of the plurality of channels (receives a selected order/command from user for displaying Favorite Channels; see Fig. 22; Col. 12, line 60);

Regarding claim 72, System claim 72 is analyzed with respect to system claim 65 in which Hoarty (Fig. 17) further discloses a tuner 174in which the tuner is inherently have a function of sequentially tune to a plurality of television channels in an order corresponding to the user determined channel listing order when a Remote control is used to surf the channel up/down while the cursor is pointed to a channel location of the channel listing.

Regarding claim 73-74, see analysis of claims 66-67.

Regarding claim 75, see analysis of claim 68.

Regarding claim 78, see analysis of claim 71.

Regarding claim 79, as to limitation "wherein the sequential tuning of the tuner to the plurality of TV channels is in response to a plurality of sequential user commands" is further met by Hoarty due to the use of a remote control to sequentially tune the TV program listing.

Regarding claims 80-81, the apparatus claims 80-81 are analyzed with respect to system claims 65 and 72.

As to "means for sequentially displaying a plurality of television programs in an order corresponding to the user determined channel listing order" in claim 81, this limitation is again meet by Hoarty in view of Anderson (Hoarty Fig. 21 in view of Anderson) that shows the channel listing with a plurality of TV program sequentially displayed/listed in an order corresponding to the user determined channel listing order (Anderson 's sort function).

3. Claims 52-54; 69-70 and 76-77 are rejected under 35 U.S.C. 103(a) as being
   unpatentable over Strubbe et al. (US 5,047,867) in view of Anderson et al. (US
   5416895).

   Regarding claims 52-54; 69-70 and 76-77 Strubbe does not disclose
   moving a cursor on the monitor screen (using the cursor) to selectively
   highlighting one of the plurality of channels, wherein the reordering by moving the
   highlighted one of the plurality of channels from a first location to a second
   location in the channel listing; wherein the reordering step comprises dragging
   the cursor and highlighted one of the plurality of channels to the second location;
   and wherein the reordering step comprises selecting a second location for the
   highlighted one of the plurality of channels and transferring the highlighted one of
   the plurality of channels from a first location to the second location in the channel
   listing.

   Anderson teaches a method of drag-and-drop techniques for copying or
   moving data among cells within a table (Fig. 4G, 4K, and 9B-C; Col. 10, lines 64-
   Col. 11, lines 6; Col. 11, lines 37-60; and Col. 18, lines 55-30). Therefore, it
   would have been obvious to one of ordinary skill in the art at the time the
   invention was made to modify Strubbe by using the well known technique of
   drag-and-drop, as taught by Anderson, in order to provide users a highly intuitive
   interface so users don't have to master an elaborate and/or awkward
   environment but instead, may rely upon his or her own common knowledge to
   organize and present information according to their needs (Col. 3, lines 35-40).

4. Claims 57-58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Strubbe et al. (US 5,047,867) in view of Kawasaki (US 5,323,234).

Regarding claim 57, as analyzed with respect to claim 1, Strubbe does not

discloses the listing guide having a plurality of cells.

Kawasaki discloses a listing guide having a plurality of cells (Fig. 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify Strubbe's listing guide with plurality of cells, as

taught by Kawasaki, so to have a better presentation or to ease the selection of

programs/channels by using the cursor/pointer of a remote control to navigate from

one cell to another cell.

Regarding claim 58, both Strubbe (each channel's program are listed in Alpha

order of program name, see Fig. 6a) and Kawasaki (Col. 5, lines 23-30; Fig. 6A;

Favorite programs arranged according to program name) discloses means for

arranging the plurality of channels in the channel listing in the user-determined

order.

Regarding claim 60, both Strubbe (priority based on user's favorite; Fig. 6A)

and Kawasaki (Fig. 5, priority based on channel # followed by time order) disclose

wherein the arranging means comprises means for displaying each of the plurality of

channels in the channel listing over time in a default sequence and means for

selecting a priority in the channel listing for each of the plurality of channels as it is

displayed.

5.  Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe et

al. (US 5,047,867) in view of Kawasaki (US 5,323,234) and further in view of

Anderson et al. (US 5416895).

Regarding claim 59, Strubbe and Kawasaki do not disclose the arranging

means comprises a movable cursor displayed on the guide to selectively highlight

one of the plurality of channels, wherein the highlighted one of the plurality of

channels is moved from the first location to a second location in the channel listing.

Anderson teaches a method of drag-and-drop techniques for selecting and

copying or moving data among cells within a table (Fig. 4G, 4K, and 9B-C; Col. 10,

lines 64-Col. 11, lines 6; Col. 11, lines 37-60; and Col. 18, lines 55-30).  Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Strubbe in view of Kawasaki by using the well known technique

of drag-and-drop, as taught by Anderson, in order to provide users a highly intuitive

interface so users don't have to master an elaborate and/or awkward environment

but instead, may rely upon his or her own common knowledge to organize and

present information according to their needs (Col. 3, lines 35-40).

### Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to: (703) 872-9306
        for formal/informal/draft communication intended for entry, please label
"OFFICIAL", "PROPOSED" or "DRAFT".


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).


### Contact Information


Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Hai Tran whose telephone number is (703) 308-7372.
The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00
PM.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number
for the organization where this application or proceeding is assigned is (703) 872-9306.

        Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 306-
0377.


HT:ht
May 29, 2004

HAI TRAN
PATENT EXAMINER